

No. 4287-4Lab-74/16535.—In pursuance of the provisions of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Prabha Calico Processors (P) Ltd., Manesar Road, Gurgaon.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 170 of 1973

between

Shri Roop Chand Sharma, workman, M/s Prabha Calico Processors (P) Ltd., Manesar Road, Gurgaon.

Present:

Shri Sardha Nand, for the workman.
Shri Manoj Sharma, for the management.

AWARD

Shri Roop Chand Sharma, concerned workman, was in the service of M/s Prabha Calico Processors (P) Ltd., Manesar Road, Gurgaon. The management allegedly terminated his services with effect from 11th June, 1973. Feeling aggrieved, he raised a dispute which was referred for adjudication to this Court by order No. ID/GG/51-D-73/40776, dated 10th October, 1973 of the Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Roop Chand Sharma is justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, usual notices were given to the parties and they put in their pleadings. The management contested the claim of the workman on merits pleading *inter alia* that he was not a workman as defined under section 2(s) of the Industrial Disputes Act, 1947. A further plea was raised that he had in fact submitted his resignation on 25th May, 1973 which was duly accepted on 26th May, 1973 and he had collected his full dues. The following issues arose for determination in the case.

- (1) Whether Shri Roop Chand Sharma was not a workman as defined under section 2-A of the Industrial Disputes Act, 1947 ? (on management).
- (2) Whether Shri Roop Chand Sharma had submitted his resignation on 25th May, 1973 and the same was accepted by the management on 26th May, 1973 and his full dues have already been paid ? (on management).
- (3) Whether the termination of services of Shri Roop Chand Sharma was justified and in order ? If not, to what relief is he entitled ?

On behalf of the management only one witness Shri Manoj Sharma, Manager, has come into the witness box and proved several documents, namely, photostat copy of the resignation, dated 25th May, 1973 Ex. M-1 (Original seen and return), money order receipt Ex. M.W. 1/2, postal receipt Ex. M.W. 1/3, copy of the application filed before the Authority under the Payment of Wages Act, Ex. M.W. 1/4, Gate pass Ex. M.W. 1/5, Cash receipt Ex. M.W. 1/6.

On the other hand, the concerned workman has made his own statement besides examining Shri Sardha Nand, General Secretary, Textile Mills Mazdoor Union, Gurgaon. The workman has denied having submitted the resignation. He has, however, admitted his signatures on the money order receipt Ex. M.W. 1/2, application made before the Authority under the Payment of Wages Act, Ex. M.W. 1/4, the gate pass Ex. M.W. 1/5 and the cash voucher Ex. M.W. 1/6. According to him no advance bonus for the year 1972-73 was paid and the payment of Rs. 175 shown as such in fact related the bonus for the year 1971-72.

The case has been argued on both sides and I have given a very careful consideration to the material on record. The issues may be taken up separately.

Issue No. 1.—The management has not much to say with regard to this issue. Shri Roop Chand Sharma was no doubt appointed as Supervisor but according to the statement of Shri Manoj Sharma, Manager, himself he had been doing manual work in times of emergency. In view of this admission it can not be said that he was not a workman under section 2(S). The issue is decided in favour of the workman and against the management.

Issue Nos. 2 & 3.—The issues Nos. 2 and 3 are interconnected and may safely be taken up together. The case for the management is that, as a matter of fact, this workman had submitted his resignation on 25th May, 1973

which was duly accepted on 26th May, 1973. The original resignation has been seen and returned and photostat copy Ex. M-1 has been placed on record. The signatures and the initials of this workman had admittedly appeared on a number of other documents also which are not denied by him and a careful examination and comparison of the disputed signatures on the resignation with the admitted signatures on the other documents conclusively prove that they are of one and the same person, namely, Shri Roop Chand Sharma.

There is another aspect of the case which deserves consideration here, neither in the demand notice nor in the statement of claim it has been mentioned that the management had been actuated by any considerations of victimisation on account of any trade union activities or otherwise of this workman nor has any evidence been led to show to prove any malafides on the part of the management. It is, therefore, not believable that the management would go to the extent of forging the resignation of this workman without any rhyme or reason.

According to the statement of Shri Manoj Sharma the dues of the applicant were remitted to him by money order after the resignation had been accepted on the following day but the money order was received back. The amount was again sent on the present address Care of M/s Jaipur Dying and Printing Mills, Sahabad where he is now working and the amount was accepted by him as per the money order receipt Ex. M.W. 1/2. He has further admitted receipt of Rs. 268.30,175 as advance bonus for the year 1972-73 and Rs. 93.33 wages in lieu of earned leave vide receipt Ex. M.W. 1/6. This fact further goes to show that after submitting his resignation the workman had settled his accounts with the management.

That disposes of issue No. 2 and incidently issue No. 3 also. No other point worth consideration has been urged on either side. For the reasons aforesaid issue No. 2 is decided against the workman and in favour of the management holding that he had submitted his resignation on 25th May, 1973 which was duly accepted on 26th May, 1973 and thereafter his dues were paid to him.

In view of my above finding on issue No. 2, the question of the termination of services of this workman by the management does not arise. His services automatically stood terminated after his resignation had been accepted by the management on 26th May, 1973. The issue is accordingly held against the workman.

For the reasons aforesaid, the workman is not entitled to any relief by way of reinstatement or payment of back dues. The award is made accordingly but without any order as to costs.

Dated 29th April, 1974.

O.P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 393, dated 30th April, 1974.

Forwarded four (copies) to the Secretray to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 29th April, 1974.

O.P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4286-4LAB-74/16537.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Rajindra Steel Re-rolling Mills, Gurgaon.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD

Reference No. 106 of 1973

between

The Workmen and the management of M/s Rajindera Steel Re-rolling Mills, Gurgaon.

Present:

Shri C.B. Kaushik, for the workman.

Shri Ved Parkash Gupta, for the management.

AWARD

Sarvshri Pancham, Babu Lal, Raghu Nath, Lallu, Bharat Singh, Ram Pal, Ram Sumer, Om Parkash son of Sukhdev, Om Parkash, son of Rangi, Udhey Singh, Ram Chander and Raj Singh were in the service of M/s Rajindra Steel Re-rolling Mills, Gurgaon. The management allegedly terminated their services without any justification. They raised a dispute which was referred for adjudication to this Tribunal by order No. ID/ GG/114-R-73-20488, dated 20th June, 1973 of the Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 with the following terms of reference.

Whether the termination of services of the following workmen were justified and in order? If not, what relief are they entitled to?

1. Shri Pancham, 2. Shri Babu Lal, 3. Shri Raghu Nath, 4. Shri Lallu, 5. Shri Bharat Singh, 6. Shri Ram Pal, 7. Shri Ram Sumer, 8. Shri Om Parkash, 9. Shri Om Parkash, 10. Shri Udey Singh, 11. Shri Ram Chander, 12. Shri Raj Singh.

Usual notices were given to the parties and they put in their respective pleadings. It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at. Statements of Shri Ved Parkash Gupta, the Manager and Shri C.B. Kaushik who represents the workmen have been recorded.

According to the aforesaid settlement Sarvshri Ram Chander, Raj Singh, Om Parkash son of Sukhdev, and Raghu Nath have already settled their disputes and received their dues in full and final settlement of their entire claims against the management including the right of reinstatement or re-employment. Sarvshri Babu Lal, Bharat Singh and Lallu were never in the service of this concern and as such the reference with regard to them is without jurisdiction and lead in law. They are not entitled to any relief. The remaining workmen, namely, Sarvshri Pancham, Ram Pal, Ram Sumer, Om Parkash son of Rangi and Udhey Singh are not coming forward to join their duties. The management has, however, offered to re-employ them provided they report for duty within a period of one month from today and also to pay their wages, if any due, for the period prior to the termination of their services. The intervening period has to be treated as leave without wages. These terms have been accepted on behalf of the above named workmen by their authorised representative Shri S. B. Kaushik.

In view of the above, no further proceedings are called for in the case and the award is made in terms of the above settlement. Sarvshri Raghu Nath, Bharat Singh and Lallu having never been in the service of the management are not entitled to any relief. Sarvshri Ram Chander, Raj Singh and Om Parkash, son of Sukhdev, having already settled their disputes and received payment is full and final settlement of their entire claims against the management including the right of reinstatement or re-employment are also not entitled to any further relief. The remaining workmen including Pancham, Ram Pal, Ram Sumer, Om Parkash son of Rangi and Udhey Singh are entitled to re-employment on the same terms and conditions of service, as before provided they report for duty within a period of one month from today. The intervening period will be treated as leave without pay. They will, of course, be entitled to their wages for the period before the termination of their services if any due, in case they fail to report for duty within the prescribed period as agreed the management shall work out their dues and pay the amount to these workmen through their authorised representative Shri C.B. Kaushik. In the circumstances, there shall be no order as to costs.

The 30th April, 1974.

O.P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 391, dated 30th April, 1974.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4227-4-Lab-74/16540.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Shree Metals (P) Ltd., Kundli.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 50 of 1973

between

SHRI KARAM SINGH AND THE MANAGEMENT OF M'S SHREE METALS
(P) LTD., KUNDLI

Present :—

Shri M. S. Rath, for the workman.

Shri Dharam Vir Kakar, for the management.

AWARD

Shri Karam Singh concerned workman was in the service of M/s Shree Metals (P) Ltd., Kundli. The management allegedly terminated his services without any justification on 13th February, 1973. Feeling aggrieved, he raised a dispute which was referred for adjudication to this court by order No. ID/RK/231-B-73/31875-79, dated 5th July, 1973 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, with the following term of reference.

“Whether the termination of services of Shri Karam Singh was justified and in order? If not, to what relief is he entitled?”

Usual notices were given to the parties and they put in their respective pleadings. It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties. According to the statement of Shri Dharam Vir Kakar M. W. 1 the workman had approached the management for settlement of the dispute along with S/Shri Jai Narain, Ishwar Dutt and Partap Singh and the settlement was arrived at, as per terms and conditions given in the memorandum of settlement Ex. M. 1. He has further deposed that a sum of Rs. 1,529.66 was paid to this workman in terms of the above settlement, in full and final settlement of his entire claims against the management including the right of reinstatement. This payment was made against voucher Ex. M. 2 which is signed by him and attested by the Labour Officer-Cum-Conciliation Officer, Sonapat in whose presence the payment was made. He has further stated that an application to this effect has been addressed to this court by the workman admitting the settlement and that there is now no dispute left between the parties which is Ex. M. 3.

Shri Karam Singh concerned workman while admitting the settlement and his signatures on the memorandum of settlement copy Ex. M. 1 and receipt Ex. M. 3 has denied that the amount mentioned therein was actually paid to him. He has further not admitted having made the application Ex. M. 3 on which according to him his signatures were obtained on a blank paper. The contention raised by the workman is, however, belied by his authorised representative Shri M. S. Rath who has admitted in so many words that, as a matter of fact, this workman has settled the dispute with the management along with the other workers S/Shri Jai Narain, Ishwar Dutt and Partap Singh. He has further identified the signatures of the Labour Officer-Cum-Conciliation Officer on the receipt Ex. M. 2 and stated that the payment of the amount mentioned therein had actually been made to the workman. In view of the above deposition made by Shri N. S. Rath, the statement of the workman that he did not receive payment in terms of the settlement carries no weight.

So, taking into consideration the facts stated above I am satisfied that an amicable settlement has been arrived at between the parties and that being so no further proceedings are called for in the case. A no-dispute award is accordingly given in terms of the above settlement. There shall be no order as to costs.

Dated the 26th April, 1974.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endst. No. 1012, dated 6th May, 1974

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.